

REMARKS

In the Office Action mailed January 6, 2006, the Examiner rejected claims 1, 2, 3, 5, 6, 7 and 13 under 35 U.S.C. § 102(b) as being anticipated by Loudenslager (U.S. 1,789,875).

The Examiner also rejected claims 1, 2, 4, 5, 6, 7, 13 and 15 under 35 U.S.C. § 102(b) as being anticipated by Zedler (U.S. 1,795,632).

The Examiner also rejected Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Loudenslager in view of McClung (U.S. 4,917,932); claims 9, 11, 12 and 18 as being unpatentable over Loudenslager in view of Altus (U.S. 4,758,457); claim 10 as being unpatentable over Loudenslager in view of Altus; claim 14 as being unpatentable over Loudenslager; claim 16 as being unpatentable over Loudenslager in view of Ecker (U.S. 4,366,200); and finally, claim 17 as being unpatentable over Loudenslager in view of Starp (U.S. 5,082,712).

Applicant has amended claims 1 and 18 to further define the invention and claim that the non-skid material keeps the stair tread in place on the top of a stair step without being permanently attached to the stair. The stair tread of the present invention can be placed on the stair step and be easily and quickly removed from the stair step without marring the surface of the stair, as is the case when screws or tacks are used to install the stair tread in the prior art references. Further, the present invention is shaped to be placed on the top of the stair without the need for a hooked edge to hold it in place. None of the prior art references discussed set forth the invention, either in whole or in combination with other references. Applicants believe that with the amendment herein, the independent pending claims (1 and 18) are in

condition for allowance. Further, the dependent claims are likewise in condition for allowance. A Notice of Allowability is therefore solicited.

The prior art discussed by the Examiner does not disclose the present invention. Loudenslager discloses a stair tread that is permanently attached to the stair using screws or tacks, set forth as number 9 in figures 1 and 4 (see col. 1, lines 35-41). This manner of cementing or anchoring the stair tread makes any quick or easy removal impossible. Further, once the stair tread is removed, the stair step is marred by screw or tack holes.

Zedler discloses a carpet that contains a hook-shaped edge (11) that is created by using a hot pipe to shape the carpet (see col. 2, lines 74-82). The hook-shaped edge is necessary to hold the carpet on the stair without a metallic frame (see col. 2, lines 82-89). It is this hook-shaped edge, not a non-skid material, that prevents slipping of the carpet on the stair step.

McClurg and Altus disclose floor mats for automobiles and do not teach or disclose the present invention or suggest combining with Loudenslager to make the present invention obvious. Neither McClurg nor Altus pertains to a non-slip stair tread.

The same holds for Ecker and Starp, which disclose a non-skid structural surface and a floor/wall covering, respectively. Neither patent suggests using the disclosure with a stair tread, nor teaches combining the reference with Loudenslager.

Applicant has herein amended claims 1 and 18 to include limitations that further define the invention and has explained the differences between the invention and the prior art. As such, claims 1 and 18 as amended, and the remaining dependent claims, should be allowable, and Applicant respectfully solicits a Notice of Allowability.

If, for any reason, the Examiner is unable to allow the Application and feels that a telephone conference would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned at (312) 673-0360.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jeff A. Pine', written over a horizontal line.

Jeffrey A. Pine
Registration No. 36,893

July 5, 2006

BANIAK PINE & GANNON
150 North Wacker Drive, Suite 1200
Chicago, Illinois 60606
(312) 673-0360